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Plaintiff in pro per

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U.S. DISTRICT COURT  
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1 Plaintiff requests informal discovery of evidence relating  
2 to violations of Title 18 U.S.C. § 2511 (Unlawful Interception and  
3 Disclosure of Wire, Oral, or Electronic Communications); however,  
4 Defendant Bickel refused, and continues to refuse, to make good-faith  
5 attempts to resolve (or even entertain) any discovery request.

6

7 **TRANSCRIPT**

8 [RECORDING]: ...at the tone, say your name, or the company you  
9 represent, and your call will be completed. [beep]

10 PLAINTIFF: James Bush.

11 [RECORDING]: Please hold while your call is completed. [pause] Still  
12 trying... [pause] Still trying... [pause]

13 DEFENDANT: Hello.

14 PLAINTIFF: Hello! How are you?

15 DEFENDANT: Fine. How are you?

16 PLAINTIFF: Fine. Um, [I'm] just trying to take care of things-court  
17 stuff and so forth. I got your email...

18 DEFENDANT: Mm-hm...

19 PLAINTIFF: ...about...you...you said, you're not gonna come to court?

20 DEFENDANT: No!

21 PLAINTIFF: Why not?

22 DEFENDANT: [scoffs] Why should I? [chuckles]

23 PLAINTIFF: Because there's a court order for you to appear there;  
24 that's why.

25 DEFENDANT: There's just...I [mean], there's just no point, Jimmy; it's  
26 all...crazy.

1 PLAINTIFF: It's all what?

2 DEFENDANT: Crazy. And, it's just too expensive for me to come out

3 there. Now, are you planning on paying [for] my ticket?

4 PLAINTIFF: Well—I mean—no, I'm not; but, I mean, this is court...this

5 isn't me telling...asking you to come out, this is a court

6 order saying, "Come out."

7 DEFENDANT: Honey, it's a civil matter; they can't do anything because

8 I'm out-of-state.

9 PLAINTIFF: It's a federal civil matter.

10 DEFENDANT: There's no such thing as a federal civil matter.

11 PLAINTIFF: Yeah, there is. Didn't you get your, uh, subpoena? Er, I'm

12 sorry! Your summons?

13 DEFENDANT: Sure, I did.

14 PLAINTIFF: Did the federal marshall come to your door and give it to

15 you? Or, did you get the one that I mailed to you?

16 DEFENDANT: The one you mailed.

17 PLAINTIFF: Okay. Yeah, there's federal court and there's state court;

18 and, you saw the civil cover sheet, right? You think I

19 made that up?

20 DEFENDANT: I think you got it at the library.

21 PLAINTIFF: You think I got it at the library?

22 DEFENDANT: Mm-hm.

23 PLAINTIFF: Did you consult an attorney about that?

24 DEFENDANT: There's no point, Jimmy.

25 PLAINTIFF: [stutters] So, you're saying that the, uh, cases are not

26 real, and that I made it up; and, that's your stance on

1                   the...the issue?

2 DEFENDANT: I'm not saying you made it up; I think you did good  
3                   homework. But, you're not gonna get anything.

4 PLAINTIFF: Okay. Well, I'm not really addressing that, so much as why  
5                   you think you don't have to show up to court.

6 DEFENDANT: Well, Jimmy, I'm just not going to.

7 PLAINTIFF: Well, okay; but, um, if you realize...if you think about  
8                   that, then the case would be lost by you., if you don't  
9                   show up. Do you know that?

10 DEFENDANT: It could be; but, you have to have proof.

11 PLAINTIFF: Not if you don't show up. And, I actually have that proof,  
12                   which is why the case got approved for trial; so, at  
13                   least they feel that I possibly do. They want to see your  
14                   defense. They feel like it's a reasonable case—that it's a  
15                   justifiable case, [which] is why they [unintelligible] they  
16                   approved it to go forward. And, then, your job...

17 DEFENDANT: Well, I'll write 'em a letter, then.

18 PLAINTIFF: You'll write 'em a letter?

19 DEFENDANT: Mm-hm.

20 PLAINTIFF: Okay. Well, just realize that, if you don't write that...  
21                   file that answer to the complaint within 45 days of  
22                   receiving the, you know, complaint...

23 DEFENDANT: Jimmy, you know what? I'm not gonna argue with you about  
24                   this. I'm not coming out there. Now, like, I emailed you:  
25                   if you're needing to see me because I'm your mother—and,  
26                   we love each other—that's a whole 'nother thing.

1 PLAINTIFF: Well, what if I asked you...okay...

2 DEFENDANT: But, if you want me to come out there to answer a lawsuit  
3 or anything: no! You know something? Children do not do  
4 this to their parents.

5 PLAINTIFF: Well, I don't think that you quite understand the spirit  
6 of the complaint. I think that you're taking it the wrong  
7 way. So, let's just back off that for a minute, and...  
8 and let me say this: if you want to help me there's some  
9 things that you can do to help me that don't even require  
10 you to leave your home. Would you be willing to hear what  
11 that is?

12 DEFENDANT: What is that?

13 PLAINTIFF: Okay. Well, there are some issues... There are some causes  
14 of action that I allege against other defendants in this  
15 complaint, and other complaints, that I've filed. Now,  
16 one thing that may help me prove those causes of action—  
17 actually support them and make them cogent—then, um, I  
18 can give those things from you. And, what that is, is  
19 your phone records for, basically, everything between now  
20 and last February. My theory is...

21 DEFENDANT: Jimmy, there's nothing in my phone records that would help  
22 prove anything, honey.

23 PLAINTIFF: Well, you don't know that until you actually let me finish  
24 saying it. Now, I think that calls have been intercepted  
25 between you and I. One way to prove that is to match  
26 times on my phone records with times on your phone

1 records. So, you don't have to give me your phone records  
2 for every number, if you don't feel comfortable with that  
3 (although, I think you should trust your son, as I am  
4 supposed to trust my mother)...

5 DEFENDANT: Well, you know what? I thought I could.

6 PLAINTIFF: Well...

7 DEFENDANT: I really did. And, then, when my son files a lawsuit saying  
8 that I have to do this, and I have to do that...

9 PLAINTIFF: Okay.

10 DEFENDANT: ...no.

11 PLAINTIFF: Okay. So, see? That's why you have to come to court—  
12 because you're not willing to listen to what I'm asking  
13 for, and why. You want to make it an emotional issue.  
14 You want to make it a "he's-doing-you-wrong" issue; and,  
15 you're not concerned...

16 DEFENDANT: No, I'm not...

17 PLAINTIFF: Can I...?

18 DEFENDANT: I just don't want to fool with it...

19 PLAINTIFF: Well, no, no, no, no, no!

20 DEFENDANT: ...because, I'm through with it.

21 PLAINTIFF: Of course! You're not going to be bothered by your son's  
22 problems, are you? Now, [either] you wanted to help me or  
23 don't you?!

24 DEFENDANT: [unintelligible] No.

25 PLAINTIFF: Okay! That's what we're...that's why we're doing this—  
26 because you don't want to help me; you just want to

1 complain. You want to make it all about you. Your son is  
2 having...

3 DEFENDANT: ...people are scamming, like those repossession, and all  
4 of that...

5 PLAINTIFF: You're son...

6 DEFENDANT: ...you might have something there!

7 PLAINTIFF: Your son is having difficulty finding out what happened  
8 with a few issues that occurred with him. Your son is  
9 making a very simple request--something that you can do in  
10 15 minutes, in your home. Can you do that or no? If not,  
11 your son is going to make the court make you do that,  
12 because he's not going to be homeless, if he doesn't have  
13 to be. That doesn't make me a bad son.

14 DEFENDANT: [unintelligible] I'm not going to be manipulated.

15 PLAINTIFF: Ugh! That does not make me a bad son, because I want to  
16 protect myself, and that I want to ask you for 15 minutes  
17 of your time. Your logic is flawed. Do you want to help me  
18 or no?

19 DEFENDANT: Well, Jimmy, it depends on what that help requires.

20 PLAINTIFF: I just told...said what I needed.

21 DEFENDANT: Phone records...

22 PLAINTIFF: Correct.

23 DEFENDANT: Jimmy! You know something? I don't think anybody  
24 intercepted our calls.

25 PLAINTIFF: I don't care if you don't...if you think you didn't or  
26 not. I think that, and I have proof of my own of that;

1                   and, i need...I don't need more, I'd like more.

2 DEFENDANT: Well, honey, if you don't it, let's just not fool with it.

3 PLAINTIFF: I need it!

4 DEFENDANT: You just said you didn't, though.

5 PLAINTIFF: I need it!

6 DEFENDANT: [laughs] Why did you say you didn't?

7 PLAINTIFF: I need it! I'm saying it now. Now, stop being  
8                   argumentative, and trying [sic] to make me upset, like  
9                   you're really good at doing, and just...

10 DEFENDANT: Well, now you're going to be accusatory...

11 PLAINTIFF: There we go! There we go!

12 DEFENDANT: [unintelligible]

13 PLAINTIFF: No! Are you going to help me, or am I going to have to  
14                   order it through the court?

15 DEFENDANT: Well, you know, Jimmy? I guess you'll just have to order  
16                   it, honey...

17 PLAINTIFF: Not a problem.

18 DEFENDANT: ...because I'm not going to be manipulated.

19 PLAINTIFF: I'll see you there. I'll see you there.

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## **VERIFICATION**

Plaintiff asserts that, to his full knowledge and to the best of his ability, the foregoing transcript is a true and accurate representation of the phone conversation between the plaintiff and Defendant, Kathy Bickel, occurring on August 23<sup>rd</sup>, 2007, at 4:40 PM.

Signed:

Dated:-

6-25-08